

REMARKS

This Application has been carefully reviewed in light of the Non-Final Office Action mailed January 10, 2008. At the time of the Office Action, Claims 15-18 and 21-31 were pending in this Application. Claims 15-18 and 21-31 were rejected. Claims 15, 18, 21, and 29 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 21-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,674,224 issued to Howell et al. ("Howell") in view of U.S. Patent No. 6,499,486 issued to Chervitz et al. ("Chervitz"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chervitz in view of U.S. Patent No. 6,306,138 issued to Clark et al. ("Clark"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). With respect to claim 15, the Examiner contends that Chervitz describes a method of ACL graft ligament fixation comprising in part urging the graft against an opposite wall of a femoral tunnel as a head section of a transverse suspension device is advanced into a recess in the opposite wall. Chervitz describes the insertion of a crosspin into a second transverse bone tunnel so that a graft ligament may be looped over and supported by the crosspin. The Examiner contends that as the crosspin is inserted through the graft loop, and inherent friction arises that causes the graft to move slightly with the crosspin as it is inserted, and that in this way Chervitz describes urging the graft against a bone tunnel wall. However, even assuming arguendo that the Examiner's contention regarding an inherent friction urging the graft is correct, Chervitz does not describe, either expressly or inherently, compressing a portion of the graft loop between an abutment section of a transverse suspension device, as is now

recited by amended claim 15. Moreover, Clark does not describe compressing a portion of a graft loop between an abutment section of a transverse suspension device. Therefore, because neither Chervitz nor Clark, alone or in combination, teach all of the elements of claim 15 as amended, the cited references cannot render amended claim 15 obvious. For at least the reasons stated above, Applicants respectfully submit that amended claim 15 is in condition for allowance, and request withdrawal of the rejection.

Claims 16-18 depend either directly or indirectly from amended claim 15. Applicants repeat and hereby incorporate the remarks made above regarding amended claim 15. For these reasons, Applicants respectfully submit that claims 16-18 are also allowable over Chervitz in view of Clark.

With regard to claims 21 and 29, the Examiner contends that Howell discloses a method of ACL graft ligament fixation comprising in part passing a nose section of a transverse suspension device through a graft loop, wherein an abutment surface on the transverse suspension devices urges the graft against the opposite wall of a femoral tunnel. However, Howell does not disclose that a portion of the graft loop is compressed between the abutment surface and the opposite wall of the bone tunnel, as is now recited in amended claims 21 and 29. Moreover, as stated above Chervitz does not disclose that a portion of the graft loop is compressed between the abutment surface and the opposite wall of the bone tunnel. Therefore, because neither Howell nor Chervitz, alone or in combination, teach all of the elements of claims 21 and 29 as amended, the cited reference cannot render amended claims 21 and 29 obvious. For at least the reasons stated above, Applicants respectfully submit that amended claims 21 and 29 are in condition for allowance, and request withdrawal of the rejections.

Claims 22-28 and 30-31 depend either directly or indirectly from amended claim 21. Applicants repeat and hereby incorporate the remarks made above regarding amended claim 21. For these reasons, Applicants respectfully submit that claims 22-28 and 30-31 are also allowable over Howell in view of Chervitz.

Information Disclosure Statement

Applicants enclose an Information Disclosure Statement and PTO Form 1449, with copies of the references for the Examiner's review and consideration.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

The Commissioner is hereby authorized to charge \$460 for the Two-Month Extension of Time and \$180 for the IDS and any additional fees necessary or credit any overpayment to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.358.5925.

Respectfully submitted
Attorney for Applicants,



Matthew Scheele
Reg. No. 59,847

Date: 5/17/08

CORRESPONDENCE ADDRESS:

ARTHROCARE CORPORATION
CUSTOMER NO. **21394**
512.358.5925
512.391.3901 (fax)

Enclosure: 1) An Information Disclosure Statement and PTO Form 1449, with copies of the references.